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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/810,987      | 03/26/2004  | Robert W. Lauer      | 29756/37996D        | 9660             |

4743 7590 03/29/2007  
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EXAMINER

CASTELLANO, STEPHEN J

ART UNIT PAPER NUMBER

3781

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 03/29/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |  |                                     |  |
|------------------------------|--|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/810,987     | <b>Applicant(s)</b><br>LAUER ET AL. |  |
|                              | <b>Examiner</b><br>Stephen J. Castellano | <b>Art Unit</b><br>3781             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 35-45 and 49-59 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35-45 and 49-59 is/are rejected.
- 7) ☒ Claim(s) 43-45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6-30-04; 9-17-04</u> | 6) <input type="checkbox"/> Other: ____  |

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Claims 43-45 are objected to because the term “complimentary” which means “free” is either misused or misspelled. It is believed that applicant may have meant to use the term “complementary.”

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 43-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 43-45 misuse the term “complimentary.”

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 35-37, 40-45, 49 and 53-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Rex (4143792).

Rex discloses a modular product dispenser system for a gas station environment, comprising a bezel (the unit with towel dispenser 18 and bins 20, 21) having a front as shown in Fig. 1 and a back as shown in Fig. 3, mounting hardware (recesses 66, 67), at least one product dispenser carried on the front (washer fluid bin or towel dispenser) and a mounting device (brackets 68, post, wire bands 72) and more than two mounting device options, a couple of examples, (1) two brackets 68 or (2) a bracket and a wire band 72 and the post. The mounting device options include hardware arrangements constructed and arranged to removably couple

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with the mounting hardware for mounting the product dispenser to a mounting device. Re claim 44, the hardware arrangements may be identical, e.g., two identical brackets 68. Re claim 45, the hardware arrangements may be different, e.g., one bracket 68, one post, one wire band 72. Re claim 53, the post is a pole. Re claim 54, the recesses 66, 67 are inverted U-shaped receptacles with L-shaped bracket legs defining slots. Re claim 55, the brackets 68 are blades that slide upwardly into the slots of the mounting receptacle.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38, 39, 56, 57 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rex.

Rex discloses the invention except for the rib and groove arrangement and the mounting ears. Official notice is taken that rib and groove arrangements and mounting ear arrangements are well known. It would have been obvious to modify the dispenser units to be removable and to be secured by a rib and groove arrangement to prevent the wind or an inadvertent bump from dismounting a removable dispenser unit in order to clean the units or replace a damaged unit without replacing all units and the bezel structure. Official notice is taken that mounting ear arrangements are well known. It would have been obvious to add the mounting ear arrangement to make the entire bezel and dispensing unit structure easy to remove and reattach.

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rex in view of Richardson et al. (Richardson) (4408811).

Rex discloses the invention except for the towel dispenser opening facing the front. Richardson teaches a towel dispenser opening 52 which faces the front. It would have been obvious to add a front facing opening to make it easier to access the paper towels.

Claims 51 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rex in view of Schon (5820231).

Rex discloses the invention except for the refill opening accessible from the back and the pin and slot arrangement. Schon teaches a upper refill opening as shown in Fig. 3 the front is to the right of Fig. 3 and the back is towards the left of Fig. 3, a cover pivots upwardly and forward from a refill opening, the cover pivots about a pin and slot arrangement. It would have been obvious to add the upper refill opening to provide the convenience of top refilling of the dispenser.

Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rex in view of Daniel (5713499).

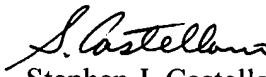
Rex discloses the invention except for the mounting on the side of a waste container. Daniel teaches mounting on the side of a waste container. It would have been obvious to modify the mounting to the side of a waste container to provide a dual function as a waste container for containing waste as a first function and as a support for supporting product dispensers as a second function. This eliminates the need to provide a pole or base to support the product dispenser.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 571-272-4535. The examiner can normally be reached on increased flexibility plan (IFP).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony D. Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Stephen J. Castellano  
Primary Examiner  
Art Unit 3781

sjc